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[EXTRA.]

THE CONGRESS.

FIRST SESSION, EIGHTEENTH CONGRESS.

Proceedings.

SENATE.

Thursday, February 19th, 1824.—Fifty-sixth day.

The bill "to change the terms of the District Court of the United States, for the Kentucky District;" and the bill "to provide for the extinguishment of the debt due to the United States, by the purchasers of Public Lands," were severally read the second time.

On motion, by Mr. NOBLE, *Ordered*, That the Committee on Pensions be discharged from the consideration of the petition of Moses Wing, of Israel R. Potter, and of Eleanor Tansey.

On motion, by Mr. NOBLE, That the Committee on Pensions be discharged from the consideration of the petition of Cornelius Huson; ordered that said motion lie on the table.

On motion, by Mr. JOHNSON, of La. *Ordered*, That Junsonville De Villier, have leave to withdraw his petition and papers presented at the first Session of the Seventeenth Congress.

Mr. MILLS presented the memorial of William Rotch, jr. and others, merchants of New Bedford, praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, between the years 1793 and 1800; read and referred to the Committee on Foreign Relations.

Agreeably to the order of the day, the Senate resumed the consideration of the Report of the Committee on the Judiciary, on the petition of Ebenezer Oliver and others; postponed to, and made the order of the day for, Monday next.

The Senate resumed the consideration of the Report of the Committee of Claims, on the petition of Obadiah Jones: Mr. GAILLARD in the chair, and, in concurrence therewith, *Resolved*, That the prayer of the petitioner ought not to be granted.

The Senate proceeded to consider the amendments of the House of Representatives, to their amendments to the bill, entitled "An act to extend the time limited for the settlement of Private Land Claims in the Territory of Florida;" and, *Resolved*, That the Senate concur therein.

Agreeably to the order of the day, the Senate resumed, as in Committee of the whole, the bill "regulating the transportation of gold and silver bullion, specie and jewels, and carrying of passengers, and to prohibit the receipt of merchandize in the public vessels of the United States;" ordered to lie on the table.

After the consideration of Executive business. *Adjourned*.

Friday, February 20th, 1824.—Fifty-seventh day.

The President communicated a report from the Post Master General, with a list of the unproductive Post Roads for the year 1823; the report was read and referred to the Committee on the Post Office and Post Roads.

The President communicated a report from the Secretary of the Treasury, shewing the payments made at the Treasury for the discharge of miscellaneous claims during the year 1823; the contracts and purchases made by collectors for the revenue service during the year 1822; the expenditures on account of sick and disabled seamen during the year 1822; and the contracts made relative to oil, light-houses, beacons, buoys, stakeages, &c. the report was read.

Mr. TALBOT communicated the remonstrance of the Legislature of Kentucky, against the decision of the Supreme Court of the United States, in the case of Green and others, against Biddle at the last term, declaring the act of that state of the 27th February, 1797, concerning occupying claimants of land, and the act amendatory thereof, passed 31st January, 1812, to be unconstitutional and void, representing the principle there proclaimed as an infringement upon the sovereignty of the state; and requesting their Senators and Representatives in Congress, to use their best exertions to procure the passage of a law requiring the concurrence of two thirds of the Judges of that Court, in all cases involving the validity of a law of any state; or an increase of the num-

ber of the Judges; the remonstrance was read and referred to the Committee on the Judiciary.

Mr. BRANCH presented the memorial of David Wallace, sen. praying indemnification for depredations committed on his property by the public and private armed vessels of France, between the years 1793 and 1800; read and referred to the Committee on Foreign Relations.

Mr. RUGGLES, from the Committee of Claims, to whom was recommended the bill for the relief of Amasa Stetson; reported it with an amendment which was read.

Mr. EATON, from the Committee on Public Lands, to whom was recommended with instructions the petition of John Forbes & Co: and of John McAllister, reported a bill releasing to John McAllister, or the legal representatives of John Forbes, a certain tract of land; read and ordered to a second reading.

Agreeably to notice given, Mr. SEYMOUR asked and obtained leave to bring in a bill in addition to an act, entitled "An act to amend the ordinance and acts of Congress for the Government of the Territory of Michigan, and for other purposes;" which was twice read by unanimous consent, and referred to the Committee on the Judiciary.

Mr. BELL, from the Committee of Claims to whom was referred the petition of Samuel White, made a report accompanied by a bill for the relief of Samuel White; the report and bill were read, and the bill ordered to a second reading.

The Senate resumed, as in Committee of the whole, the bill for the relief of James Johnson, "Mr. LANMAN in the chair, and no amendment having been made thereto, it was reported to the House; and, on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative.

The bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida," and no amendment having been made thereto, it was reported to the House; and, on the question "Shall this bill pass to a third reading?" it was determined in the affirmative, yeas 28, nays 8. On motion by Mr. CHANDLER, the yeas and nays being desired by one-fifth of the Senators present, those who voted in the affirmative, are,

YEAS, 28.—Messrs. Barton, Branch, Brown, Eaton, Edwards, of Conn. Elliott, Findlay, Gaillard, Hayne, Holmes, of Maine, Holmes, of Miss. Jackson, Johnson, of Lou. King, of Alab. Lanman, Lowrie, McIlvaine, Mills, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor, of Ind. Thomas, Van Buren, Ware, and Williams.

Those who voted in the negative, are,

NAYS, 8.—Messrs. Bell, Chandler, Clayton, D'Wolf, Knight, Macon, Taylor, of Va. and Van Dyke.

Mr. KING, of Ala. from the Committee on Public Lands, to whom was referred the bill explanatory of an act confirming claims to lots in the town of Mobile, reported it without amendment.

A motion was made by Mr. KING, of Ala. that the Committee on Public Lands be discharged from the consideration of the petition of James Ore; laid on the table.

Agreeably to the order of the day, the Senate resumed, as in Committee of the whole, the bill to provide for the security of Public Money in the hands of clerks of courts, attorneys, and marshals; and their deputies, and the bill having been amended, was referred to the Committee on the Judiciary.

The bill to abolish imprisonment for debt, Mr. VAN BUREN proposed an amendment thereto, which was read, and *Ordered*, That the further consideration of the bill be postponed to, and made the order of the day for, Monday next, and that the amendment be printed for the use of the Senate. *Adjourned*.

Monday, February 23, 1824.—Fifty-eighth day.

The President communicated a report from the Secretary of War, with a report of the second Auditor, relative to the accounts for disbursements in the Indian Department, for the year ending 30th September, 1823; read and referred to the Committee on Indian Affairs.

The President communicated a report from the Secretary of the Navy, made in compliance with a resolution of the Senate, of the 22d January last, on the subject of the use of American hemp for cordage in the naval service; read and ordered to be printed for the use of the Senate.

The President communicated a report of the Post Master Gene-

tal, with the number of names and salaries of the clerks employed in this Office during the year 1823; which was read.

Mr. LOWRIE presented the memorial of William Duane, late Adjutant General in the army of the United States, praying remuneration for money expended, services rendered, and losses sustained in the service of the government; read and referred to the Committee on Military Affairs.

Mr. JOHNSON, of Ky. presented the petition of Lewis A. Garascon and others, praying the opening of a wagon road from the river Missouri, north of the river Kauns to the river Columbia; read and referred to the Select Committee on Roads and Canals.

Mr. NOBLE communicated the following resolutions of the General Assembly of the State of Indiana, viz: *Resolved*, by the General Assembly of the State of Indiana, that the reasons of the compact between the General Government and this state, by which this state guaranteed an exemption from taxation of all lands for five years from and after the purchase thereof, purchased of the General Government after the first day of ———, 1816, have, by the act of Congress changing the whole land system, totally ceased:

Resolved, That the right of taxation on the part of this State, from and after the day of sale, cannot by any possibility be injurious to the interests of the United States:

Resolved, That our Representatives in Congress be required, and our Senators instructed, to use their utmost exertions to obtain a repeal or modification of the compact between the United States and this state, as referred to in the foregoing resolution:

Resolved, That his Excellency the Governor, be requested to transmit a copy of the foregoing resolutions to the SPEAKER of the House of Representatives in Congress, and a copy to each of our Senators and Representatives; the resolutions were read and referred to the Committee on Public Lands.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of Wm. Eaton, made a report accompanied by a resolution, that the prayer of the petitioner ought not to be granted; report and resolution read and ordered to be printed for the use of the Senate.

On motion of Mr. JOHNSON, of Ky. *Ordered*, That the Committee on Military Affairs be discharged from the consideration of the petition of Holden W. Prout, administrator of Joshua W. Prout.

Ordered, That Holden W. Prout have leave to withdraw his petition and papers.

Mr. KNIGHT reported, from the Committee, that they had examined and found duly enrolled the bill, entitled "An act to extend the time limited for the settlement of private Land Claims in the Territory of Florida."

Mr. SMITH, from the Committee on Finance, to whom was referred the petition of Lewis A. Petray and Just Viel, and of Napier Rapelye and Bennett, made separate reports, accompanied by a bill for the relief of Napier Rapelye and Bennett, and Petray and Viel. The reports and bill were read; the bill ordered to a second reading, and the reports to be printed for the use of the Senate.

Mr. HAYNE presented the memorial of William Elliot and others, styling themselves a Committee on behalf of the inhabitants of Beaufort, South-Carolina, protesting against the imposition of any additional duties on imports; read and referred to the Committee on Commerce and Manufactures.

Mr. BARTON submitted the following motion for consideration: *Resolved*, That the President of the United States be requested to inform the Senate what measures have been taken to procure, and lay before the Senate at this Session of Congress, the original, or copies of all the contracts for surveying the Public Lands made by the Surveyor General of Illinois, Missouri, and Arkansas, since the first day of January, 1819, in compliance with a resolution of the Senate, adopted 25th February, 1823; and at what time said contracts or copies thereof will probably be laid before the Senate in pursuance of said resolution.

Mr. HOLMES, of Maine, submitted the following motion for consideration: *Resolved*, That the following rule be added to the rules of the Senate:

The yeas and nays shall be required on the final vote on every act in the three last days of every Session.

On motion of Mr. KING, of Ala. the Senate resumed the motion of the 20th instant, to discharge the Committee on Public Lands from the petition of James Ore, and agreed thereto.

The bill more effectually to provide for the national defence

by establishing an uniform militia throughout the United States and providing for the discipline thereof.

The bill releasing to John M'Allister, or the legal representatives of John Forbes, a certain tract of land, and the bill for the relief of Samuel White, were severally read the second time.

The bill for the relief of James Johnson, having been reported by the Committee correctly engrossed, was read the third time.

Resolved, That this bill pass, and that the title thereof be "an act for the relief of James Johnson."

Ordered, That the Secretary request the concurrence of the House of Representatives.

The bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida," was read the third time.

Resolved, That the bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

Agreeably to the order of the day, the Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Eben. Oliver and others—Mr. VAN DYKE in the chair.

On motion of Mr. MILLS, to amend the resolution accompanying said report by striking out the word "not." *Adjourned*.

Tuesday, February 24, 1824.—Fifty-ninth day.

The President communicated the report of the Secretary of the Treasury, with statements from the incorporated Banks in the District of Columbia, showing the state of their affairs on the 31st of December last; the report was read.

The following written message was yesterday received from the President of the United States, by Mr. EVERETT, his Secretary, [for the Message see proceedings of the House, fol. 253.] The message being read, was ordered to be printed for the use of the Senate.

Mr. HAYNE presented the petition of Peter Tuzevant, formerly a purser in the Navy of the United States, praying an equitable settlement of his accounts; read and referred to the Committee on Finance.

Mr. LLOYD, Md. presented the petition of Benj. M. Belt, praying payment of his account for materials and labour in fitting up apartments in the City Hall for the accommodation of the Circuit Court of the District of Columbia; read and referred to the Committee on the District of Columbia.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Court House land districts, reported it with an amendment, which was read.

On motion, by Mr. NOBLE, the Senate resumed the motion of the 19th instant, to discharge the Committee on Pensions from the consideration of the petition of Cornelius Huson, and agreed thereto. On motion, *Ordered*, That Cornelius Huson have leave to withdraw his petition.

Mr. KING, of Ala. from the Committee on Public Lands, to whom was referred the petition of Marie Louise de la Gautrais, widow of Francois Gonsoulin, made a report accompanied by a bill for the relief of the heirs of Harpin de la Gautrais: and the report and bill were read; the bill ordered to a second reading, and the report to be printed for the use of the Senate.

Mr. KNIGHT reported, from the Committee, that they had examined and found duly enrolled the bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida."

The two bills from the House of Representatives, brought up yesterday from the House for concurrence, were severally read.

On motion, by Mr. SMITH, the bill, entitled "An act making appropriations for the military service of the United States, for the year 1824," was read the second time by unanimous consent, and ordered to be referred to the Committee on Finance.

The bill for the relief of Napier Rapelye and Bennett, and Petray and Viel, was read the second time.

The resolution proposing an additional rule for conducting business in the Senate, was read the second time.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Ebenezer Oliver and others, together with the proposed amendment—Mr. GAILLARD in the chair.

On motion, by Mr. TALBOT, postponed to, and made the order of the day for, Thursday next.

The Senate proceeded to consider the motion of yesterday, requesting information relative to contracts for surveying certain public lands, which was requested by a resolution of the Senate, of the 25th of February, 1823, and agreed thereto.

Ordered, That the Secretary lay the same before the President of the United States.

Agreeably to the order of the day, the Senate resumed, as in Committee of the whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States, from foreign hemp; postponed to, and made the order of the day for, Tuesday the 9th of March next.

On motion, by Mr. VAN BUREN, the Senate proceeded to consider the bill from the House of Representatives, entitled "An act to authorize the issuing of letters patent to Samuel Brown;" and no amendment having been made thereto, it was reported to the House, and ordered to pass to a third reading.

Agreeably to the order of the day, the Senate resumed, as in Committee of the whole, the bill to abolish imprisonment for debt, together with the amendment proposed by Mr. VAN BUREN; postponed to, and made the order of the day for, to-morrow.

On motion by Mr. HOLMES, of Maine, the Senate proceeded to consider, as in Committee of the whole, the bill in further addition to "An act to establish a uniform rule of naturalization;" and, *Ordered*, that it be re-committed to the Committee on the Judiciary, further to consider and report thereon.

Agreeably to the order of the day, the Senate resumed, as in Committee of the whole, the resolution, proposing an amendment to Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of the President and Vice-President of the United States, together with the amendment reported thereto by the Select Committee; laid on the table.

On motion of Mr. VAN BUREN, the Senate resumed, as in Committee of the whole, the bill, entitled "An act to repeal in part, an act, entitled 'An act to lessen the compensation for Marshals, Clerks, and Attorneys in the cases therein mentioned,'" together with the amendments reported thereto by the Committee on the Judiciary: the amendments were agreed to, and the bill reported to the House amended accordingly; and the amendments being concurred in, on the question, "Shall the amendments be engrossed and the bill read a third time as amended," it was determined in the affirmative.

The Senate proceeded to consider, as in Committee of the whole, the bill supplementary to "An act to perfect certain locations and sales of public lands in Missouri," passed April 25th, 1822, and no amendment having been made thereto, it was reported to the House; and the question "Shall this bill be engrossed and read a third time," it was determined in the affirmative.

The bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana, situate to the east of the Mississippi river and island of New-Orleans, which have not been recognised as valid by the government of the United States, to institute proceedings to try the validity thereof, postponed to, and made the order of the day for, to-morrow. After the consideration of Executive business, *Adjourned*.

Wednesday, February 25th, 1824.—Sixtieth day.

Mr. HOLMES, of Me. from the Committee on the Judiciary, to whom was referred the bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies, reported it with an amendment, which was read and ordered to be printed for the use of the Senate.

On motion of Mr. NOBLE, *Ordered*, That the Committee on Pensions be discharged from the consideration of the petition of George Green.

Mr. MILLS presented the memorial of William and Nathaniel Hooper, merchants of Marblehead, praying indemnification for spoliation committed on their commerce, by the public and private armed vessels of France, between the years 1793 and 1800; read and referred to the Committee on Foreign Relations.

Mr. McILVAINE, from the Committee of Claims, to whom was referred the petition of Thomas Staniford, made a report, accompanied by a bill for the relief of Captain Thomas Staniford, which were read; the bill ordered to a second reading, and the report to be printed for the use of the Senate.

The amendments to the bill, entitled "An act to repeal in part an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,'" was read the third time as amended, and passed.

The bill from the House of Representatives, entitled "An act to authorize the issuing of letters patent to Samuel Brown," was read the third time and passed.

The bill supplementary to "An act to perfect certain locations and sales of the public lands in Missouri," passed April 26th, 1822, having been reported by the Committee correctly engrossed, was read the third time.

The bill, entitled "An act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida," was read the second time, and referred to the Committee on the Judiciary.

The bill for the relief of the heirs of Don Harpin de la Gautrais, was read the second time.

On motion by Mr. BARBOUR, the Senate resumed, as in Committee of the whole, the bill for the relief of Francis Henderson, jr. Mr. VAN DYKE in the chair; and on motion, *Ordered*, That the consideration thereof be indefinitely postponed. *Adjourned*.

HOUSE OF REPRESENTATIVES.

Thursday, February 19th, 1824.—Fifty-Seventh day.

Mr. McLANE, of Del. from the Committee of Ways and Means, made unfavorable reports on the petitions of Solomon Kingsbury, and John E. Dorsey; laid on the table.

Mr. McLANE, from the same Committee, reported a bill for the relief of John S. Moffett; read twice, and committed to the Committee of the whole House to-morrow.

Mr. WILLIAMS, of North-Carolina, from the Committee of Claims, made an unfavourable report on the petition of the Trustees, in behalf of the United Society commonly called *Shakers*, residing at West Union, in Indiana; laid on the table.

Ordered, That the Committee for the District of Columbia, to which was referred, on the 26th of January ultimo, a memorial of sundry inhabitants of the said District, in relation to a system of government for said District, be discharged from so much of said memorial, as suggests certain amendments to the constitution of the United States; and that it be referred to the Committee on the Judiciary. Also from the memorial adopted at a meeting of the Society of Friends, held at New Garden, in North-Carolina, in November, 1823, and that the said memorial be laid on the table.

On motion of Mr. JENNINGS, *Resolved*, That the Committee on Public Lands be instructed to enquire into the expediency of vesting in the Trustees, who have been, or may hereafter be, appointed by the inhabitants of the "Illinois Grant," in the State of Indiana, the fee simple of certain lands appropriated by Congress for the support of schools, in said grant, for the sole use for which said lands were originally granted, and conformable to the provisions of an act of the General Assembly of said State.

Mr. OWEN moved that the House do come to the following resolution:

Resolved, That the Committee of Ways and Means be instructed to examine and report to this House, what will be the effect upon the Revenue of the Government of the United States, if the bill now before this House, entitled "A bill to amend the several acts imposing duties upon imports," should pass into a law: and if its operation would, in their opinion, diminish the revenue to an extent greater than the expenditures of Government will admit of, what course it will be expedient to pursue to supply that deficiency. The resolution being read, was debated until the arrival of the hour for passing to the orders of the day, when the House resolved itself into a Committee of the whole, on the bill making appropriations for the military service of the United States, for the year 1824; and after some time spent therein, the SPEAKER resumed the chair, and Mr. TAYLOR reported, that the Committee had, according to order, had the said bill under consideration, and made some progress therein, and directed him to ask leave to sit again.

Ordered, That the Committee of the whole House have leave to sit again on said bill. *Adjourned*.

Friday, February 20th, 1824.—Fifty-eighth day.

Mr. ARCHER, by leave of the House, presented a memorial of the merchants of the town of Petersburg, in the State of Virginia, in opposition to such a revision of the tariff of duties on goods, wares,

and merchandise, upon their importation into the United States, as is proposed in the bill now pending before this House, to amend the several acts imposing duties on imports.

Mr. WAYNE presented a memorial of sundry farmers in the State of Pennsylvania, praying that such a modification of the existing tariff of duties on imports may be made, as will afford complete protection to the manufactures of the country; referred to the Committee of the whole House on the state of the Union, to which is committed the bill to amend the several acts imposing duties on imports.

The SPEAKER laid before the House the following communications:

I. A communication from the Secretary of the Treasury, accompanied by the statements of the affairs of the Bank of the United States, called for by the resolution adopted on the motion of Mr. STORRS, on the 17th instant; read and ordered to lie on the table.

II. A communication from the Secretary of the Treasury, accompanied by a statement of contracts made, and purchases made, by the Collectors for the Revenue service, during the year 1822; a statement of the expenditures on account of sick and disabled seamen, during the year 1822; and a statement of contracts made relative to oil, light-houses, beacons, buoys, stakeages, &c. a statement of the payments made, according to law, at the Treasury of the United States, during the year 1823, for the discharge of miscellaneous claims not otherwise provided for; read and ordered to lie on the table.

III. A letter from the Post Master General, transmitting a list of unproductive post routes for the year 1823; read and laid on the table.

Mr. M'LANE, of Del. from the Committee of Ways and Means, made unfavorable reports on the cases of Brown and Havens, on behalf of themselves and others, owners, officers, and crew, of the late private armed brig "Warrior"; of Ezekiel Foster, and of Benjamin Barton and others, sureties of Jonas Harrison; which were respectively laid on the table.

Mr. WILLIAMS, of N. C. from the Committee of Claims, made an unfavorable report on the petition of Jean Francis Girod; read and laid on the table.

Mr. SLOANE, from the Committee to which was referred the memorial of sundry citizens of the Congressional District of Norfolk, in the State of Massachusetts, complaining of the election and return of John Bailey, as a member of this House, from said District, made a report thereon, which was laid on the table.

The House resumed the consideration of the resolution submitted by Mr. OWEN yesterday, proposing certain enquiries as to the effect to be produced on the revenue, by the passage of the bill to amend the several acts imposing duties on imports—and the said resolution was further debated until the arrival of the hour for passing to the order of the day, and the House again resolved itself into a Committee of the whole, on the bill making appropriations for the military service of the United States, for the year 1824; and, after some time spent therein, the SPEAKER resumed the chair, and Mr. TAYLOR reported the same with amendments, which were read and concurred in by the House.

Mr. COCKE then moved further to amend the said bill, by striking out therefrom the following item: "For the purchase of Gridley's farm, ten thousand dollars; provided such farm shall not be purchased unless the same shall be procured for said ten thousand dollars."

Mr. RANDOLPH moved to amend the said item, by inserting therein, after the word *farm*, these words, "with the consent of the State of New-York." And, on the question to agree to this latter motion, there appeared, Yeas 85, Nays 85. The yeas and nays being required by one-fifth of the members present, are as follows:

YEAS, 85.—Messrs. Adams, Alexander, of Va. Alexander, of Tenn. Allen, of Mass. Archer, Bailey, P. P. Barbour, Bartlett, Bassett, Blair, Brent, Brown, Buck, Burton, Cambreleng, Campbell, of Ohio, Cary, Cooke, Conner, Crafts, Culpeper, Day, Dwinell, Edwards, of N. C. Ellis, Floyd, Foot, Conn. Foote, of N. Y. Frost, Fuller, Garrison, Garnett, Gazlay, Gist, Hall, Hayden, Hayward, Herrick, Hogeboom, Houston, Jenkins, J. T. Johnson, Kidder, Kreamer, Leftwich, Lincoln, Litchfield, Livermore, Long, M'Coy, M'Kim, Mangum, Mallory, Marvin, Matlack, Metcalfe, Morgan, Nelson, O'Brien, Randolph, Reed, Richards, Rose, Saunders, Sanford, Sharpe, Sibley, Arthur Smith, Spaight, A. Stevenson, Taylor, Ten Eyck, Tracy, Trimble, Tucker, of Va. Tucker, of S. C. Tyson, Udree, Van Rensselaer, Van Wyck, Whitman, Williams, of Va. Williams, of N. C. Wilson, of S. C. Wood.

NAYS, 85.—Messrs. Abbot, Allison, Baylies, Bartley, Beecher, Breck, Buchanan, Cady, Cassedy, Condict, Cook, Craig, Cushman, Cuthbert, Durfee, Dwight, Edwards, Penn. Findlay, Forsyth, Forward, Goyan, Gurley, Hamilton,

Harris, Henry, Herkimer, Ingham, Isaacs, Jennings, Johnson, of Va. P. Johnson, Kent, Lathrop, Lawrence, Little, Livingston, Locke, M'Arthur, M'Duffie, M'Kean, M'Lane, Del. Markley, Martindale, Mitchell, Penn. Moore, Ken. Moore, Alab. Neale, Owen, Patterson, Penn. Patterson, of Ohio, Plumer, N. H. Plumer, Penn. Poinsett, Prince, Reynolds, Rich, Rogers, Ross, Sloan, William Smith, Standefer, Sterling, J. Stephenson, Stoddard, Storrs, Strong, Test, Tod, Vance, of N. C. Vance, of Ohio, Vinton, Warfield, Wayne, Whipple, Whittlesey, White, Wickliffe, Williams, of N. Y. James Wilson, Henry Wilson, Wilson, Ohio, Woods, Wright, and Speaker.

The SPEAKER voted with the nays, and thereby producing an equal division, the question was decided in the negative.

The question was then taken on the motion made by Mr. COCKE, to strike out the said item; determined in the negative, Yeas 57, Nays 123. Those who voted in affirmative, are

YEAS, 57.—Messrs. Alexander, of Va. Alexander, of Tenn. Allen, of Mass. Archer, P. P. Barbour, Bassett, Bradley, Buck, Burton, Campbell, of S. C. Campbell, of Ohio, Cary, Cocke, Conner, Crafts, Culpeper, Edwards, of N. C. Floyd, Foot, of Conn. Forsyth, Gazlay, Gist, Hall, Herrick, F. Johnson, Kidder, Kreamer, Leftwich, Livermore, Long, M'Coy, Mangum, Matlack, Matson, Metcalfe, Prince, Randolph, Rich, Ross, Sanford, Sibley, Sloan, Arthur Smith, Wm. Smith, Spaight, Standefer, A. Stevenson, Thompson, of Geo. Tucker, of Va. Tucker, of S. C. Tyson, Vance, of N. C. Vance, of Ohio, White, Wickliffe, Williams, of N. C. and Wilson, of S. C.

NAYS, 123.—Messrs. Abbot, Allen, of Tenn. Allison, Bailey, Baylies, Bartlett, Bartley, Beecher, Blair, Breck, Brown, Buchanan, Cady, Carter, Cassedy, Clark, Condict, Cook, Craig, Crowninshield, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards, of Penn. Findlay, Foote, of N. Y. Forward, Fuller, Garrison, Gatlin, Goyan, Gurley, Hamilton, Harris, Harvey, Hayden, Hayward, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Houston, Ingham, Isaacs, Jenkins, Jennings, Johnson, of Va. J. T. Johnson, Kent, Lathrop, Lawrence, Lincoln, Litchfield, Little, Livingston, Locke, M'Arthur, M'Duffie, M'Kean, M'Kim, M'Lane, of Del. Mallory, Markley, Martindale, Marvin, Mercer, Mitchell, of Penn. Moore, of Ken. Moore, of Alab. Morgan, Neale, Nelson, Newton, Owen, Patterson, Penn. Patterson, of Ohio, Plumer, of N. H. Plumer, of Penn. Poinsett, Rankin, Reed, Reynolds, Richards, Rogers, Saunders, Sharpe, Spence, Sterling, J. Stephenson, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson, of Ken. Tod, Tracy, Trimble, Udree, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Whipple, Whitman, Whittlesey, Williams, of N. Y. Williams, of Va. James Wilson, Henry Wilson, Wilson, of Ohio, Wood, Woods, and Wright.

Ordered, That the said bill be engrossed and read a third time to-morrow.

Ordered, That when this House adjourns, it will adjourn to meet on Monday next. Adjourned.

Monday, February 23d, 1824.—Fifty-ninth day.

The following petitions, memorials, &c. were presented and referred.

Nathaniel Jackson, of the State of Maine, praying to be restored to the list of Revolutionary Pensioners, from which he has been stricken, in consequence of the estimated value of his property;—By Mr. LINCOLN.

Joseph Guthrie, and a petition of Joseph Dixon, of the State of New-York;—By Mr. CLARK.

George Moyers, of the State of Tennessee;—By Mr. BLAIR. Soldiers of the Revolutionary Army, praying respectively to be placed on the pension list.

Ordered, That the said petitions be referred to the Committee on Revolutionary Pensions.

Daniel Merrill, of the State of Maine, praying compensation for services rendered, as a soldier in the army of the revolution;—By Mr. O'BRIEN.

Elizabeth M'Farland, widow of William M'Farland, deceased, who died of wounds received while a soldier in the army, in the late war with Great Britain, praying that the same provision may be made for her, as is made for the widows of soldiers killed in battle;—By Mr. VAN RENSSELAER.

Thomas Mourns, of Pennsylvania, praying for a pension, having been wounded in the battle of New-Orleans, on the 8th January, 1815;—By Mr. ALLISON.

John O'Neill, late a soldier in the army of the United States, praying for a pension, having been disabled in the line of his duty;—By Mr. LITTLE.

Lucy Martin, widow of William Martin, deceased, a revolutionary pensioner, praying that the pension granted to her late husband may be continued to her;—By Mr. TUCKER, of Va.

Ordered, That the said petitions be referred to the Committee on Pensions and Revolutionary Claims.

On motion of Mr. GIST, Ordered, That the petition of Thomas Porter, presented on the 31st of December, 1823, be referred to the same Committee.

Merchants and other inhabitants of the town of Bath, in the

State of Maine, against the passage of the bill now pending in this House, to amend the several acts imposing duties on imports;—By Mr. HERRICK.

Merchants and inhabitants of Beaufort, and its vicinity, in the State of South-Carolina;—By Mr. HAMILTON.

Sundry farmers, in the State of New-Jersey, praying that the tariff of duties on imports may be so modified and amended, as to afford complete protection to the manufacturing interest of the United States;—By Mr. HOLCOMBE.

Sundry inhabitants of the western part of Pennsylvania;—By Mr. FARRELLY.

Sundry inhabitants, in the State of Pennsylvania, praying that additional duties may be imposed on iron, and certain manufactures of iron therein specified, upon the importation thereof into the United States;—By Mr. UDREE.

Watson Atkinson, of Philadelphia, a manufacturer of stretchers for umbrellas, praying that the duty on square iron wire may be changed, from a specific to an ad valorem duty;—By Mr. ELLIS.

Sundry citizens of the County of New Castle, in the said State, praying that such a revision and modification of the tariff of duties on imports may be made, as will afford ample and complete protection to the domestic industry of the country;—By Mr. M'LANE, of Del.

Ordered, That the said remonstrances, petition, and memorials, be referred to the Committee of the whole House on the state of the Union, to which is committed the bill to amend the several acts imposing duties on imports.

Sundry inhabitants of the State of Maine, praying that provision may be made for the erection of a light house on Pemaquid Point, in said State;—By Mr. HERRICK.

Sundry inhabitants of the town of Wellfleet, in the County of Barnstable, and State of Massachusetts, praying that a new district for the collection of duties on imports and tonnage may be established, and that the town of Provincetown may be made the port of entry thereof;—By Mr. READ.

Sundry inhabitants of Portsmouth, in the State of New Hampshire, praying that an allowance be made on the tonnage of vessels employed in the mackerel fishery, in the same way as is made on the tonnage of vessels employed in the codfishery;—By Mr. BARTLETT.

Alexander and Sylvester Humphrey, praying to be indemnified for damages sustained in a wharf, which they were building for the United States, occasioned by a violent gale of wind;—By Mr. FOOTE, of New-York. Said petitions referred to the Committee on Commerce.

Merchants and others, of the City of Boston and its vicinity, against the imposition of a tax on sales at auction;—By Mr. WEBSTER.

Sundry citizens of the State of New-Hampshire;—By Mr. BARTLETT.

Ordered, That the said remonstrances be referred to the Committee of the whole House on the state of the Union, to which is committed the bill imposing duties on certain sales at auction.

Joseph Stroud, of the City of Westminster, in the County of Middlesex, England, mariner, and *Martha*, his wife, the only surviving child and heiress at law of Jonathan Carver, formerly of the United States, but lately of the City of London, deceased, praying that a petition, which has been heretofore presented to Congress, on behalf of some pretended heirs of said Carver, may be disposed of, and that the right of said Martha may be recognized, to a large tract of land on the river Mississippi, near the falls of St. Anthony; and that measures may be taken by the Government, for the protection and recovery of the estate and effects in America, late of the said Jonathan Carver, deceased;—By Mr. FULLER.

Sundry citizens of Meigs County, in the State of Ohio, residing on the fractional township No. 3, in the 11th range of the Ohio Company's Purchase, praying that a piece of land therein described, may be granted to them for the support of schools;—By Mr. VINTON.

General Assembly of the State of Indiana, praying that some relief may be devised and granted to those who purchase public lands, and which became forfeited to the government, together with the payments thereon previous to the passage of the act for the relief of the purchasers of public lands, before the 1st of July, 1820;—By Mr. TEST.

General Assembly of the State of Indiana, "relative to taxing lands within this state;"—By Mr. PRINCE.

Ordered, That the said petitions and resolutions be referred to the Committee on Public Lands.

On motion of Mr. HARRIMER, *Ordered*, That the petition of *sundry inhabitants* of Trenton, Newport, Middleville, Eaton's Bush, and Little Falls, in the State of New-York, for an alteration in a certain post route, presented on the 11th of February, 1822, and the remonstrance against the said petition, from the inhabitants of the Town of Russia, in said State, presented on the 3d of February, 1823, be referred to the Committee on the Post Office and Post Roads.

Sundry inhabitants of the County of Somerset, in the State of Pennsylvania;—By Mr. TOD.

Sundry inhabitants of the town of Fayetteville, in the State of North-Carolina;—By Mr. CULPEPER.

Sundry inhabitants of the Counties of Henry, Weakley, and Oliver, in the State of Tennessee;—By Mr. ALEXANDER, of Tenn.

Sundry inhabitants of the Counties of Rush, Fayette, Union, and Franklin, in the State of Indiana, and of Butler County, in the State of Ohio;—By Mr. TEST. Praying, respectively, for the establishment of post routes.

Anthony Crozier, praying that in the settlement of his accounts, as postmaster at Anderson, in the State of Tennessee, he may be allowed for public monies which were lost by the burning of his house, and all the effects within it, in the year 1814;—By Mr. STANDEFER.

Ordered, That the said petitions be referred to the Committee on the Post Office and Post Roads.

On motion of Mr. ALEXANDER, of Va. *Ordered*, that the petition of Isaac Williams heretofore presented, on the 24th February, 1823, be referred to the same committee.

Peter Trezvant, late a purser in the navy of the United States, stating that, by the destruction of the Public Offices by fire, several of his original vouchers were destroyed, and praying that an act may be passed, authorizing the accounting officers, to settle his accounts on equitable principles;—By Mr. HAMILTON.

Joseph Woolfolk, of the State of Tennessee, praying payment for provisions furnished troops of the United States in the year 1818, for which he received a bill of exchange on the contractor, but which bill has never been paid;—By Mr. REYNOLDS.

Henry M'Gra, of the Territory of Michigan, praying compensation for two horses with certain military accoutrements lost in the service of the United States in the late war with Great Britain;—By Mr. M'ARTHUR.

Paul Chase, praying to be exonerated from the payment of duties on goods which fell into the hands of the British forces in the late war, and were carried off by them in their original packages;—By Mr. LIVINGSTON.

Junsonville De Villier, of the state of Louisiana, praying compensation for damages which he sustained by the destruction of the levee on his plantation during the military operations in the neighbourhood of New-Orleans in the late war with Great Britain;—By Mr. LIVINGSTON. Said petitions referred to the Committee of Claims.

On motion of Mr. MARKLEY, *Ordered*, That the petition of Edward & Owen Evans, presented on the 20th of January, 1823, be referred to the same Committee.

George Kellar, praying to be allowed the bounty in land to which he conceives himself entitled as a soldier in the late war with Great Britain; which land is refused in consequence of the accidental omission of the word *honourable*, in his discharge;—By Mr. LEE. Referred to the Committee on Military Affairs.

Mary H. Hawkins, of the city of Baltimore, stating that the property willed to her by her deceased husband, William Hawkins, has lately been sold under a judgment recovered by the United States, against a certain John K. Smith for whom the said William Hawkins was surety, after the said property had been improved and repaired by the petitioner, and praying that the amount expended in such repairs and improvements may be refunded to her;—By Mr. LITTLE. Referred to the Committee of Ways and Means.

On motion of Mr. LEE, *Ordered*, That the petition of John Hoff, heretofore presented on the 3d January, 1823, be referred to the same committee.

Sundry inhabitants of the County of Tioga, in the state of Pennsylvania, praying that the Court contemplated to be established by the bill pending before this House, to alter the Judicial Districts of Pennsylvania, may be held and located in the town of Williamsport;—By Mr. M'KEAN; which petition was referred to the

Committee of the whole House, to which the said bill is committed.

Joseph Meril, of Savannah, in the State of Georgia, stating that in 1823, while a vessel, the property of the memorialist, was pursuing a lawful voyage from the island of Cuba to the United States, she was driven by stress of weather into a port of the Island of Hayti or St. Domingo, where she was seized, and unlawfully condemned, together with her cargo, and praying such relief in the premises as it may be in the power of the government of the United States to grant;—By States Mr. CUTHBERT. [Committee on Foreign Affairs.]

Sundry inhabitants of the City of Savannah, in the State of Georgia, setting forth that they are natives of foreign countries, and upon their arrival in the United States, reported themselves to Clerks of Courts of the United States, and signed a declaration of their intention to become citizens of the said states; that they have taken the necessary oaths, and have ever since, until lately, esteemed themselves citizens of the United States—that it appears by a decision recently given by the District Court of the United States, for the District of Georgia, that, in consequence of not reporting themselves, and signing the declaration before mentioned, in open Court, their acts of naturalization are illegal, and they are declared to be aliens, and praying that an act may be passed to legalize the acts by which it was supposed they became citizens of the United States, respectively;—By Mr. CUTHBERT.

Sundry Counsellors and Attorneys at law, admitted as practitioners in the Court of the United States for the Seventh Circuit and Kentucky District; representing the numerous defects, which, in their opinion, exist in the Judicial Establishment of the United States, and praying for a re-organization, amendment, and extension of said system, in the manner therein specified and set forth;—By the SPEAKER.

Ordered, That the said memorial and petition be referred to Committee on the Judiciary.

Resolutions adopted by the General Assembly of the State of Indiana, approbatory of the sentiments contained in the message of the President of the United States, to the two Houses of Congress at the commencement of the present session, in reference to the relations between the United States and foreign Governments;—By Mr. JENNINGS. Laid on the table.

William Richardson and Matthew Richardson, of the State of Alabama, praying that their claims to lands in said state may be confirmed;—By Mr. OWEN.

Edwin Lewis, of the State of Alabama, stating that, under an act of the Legislature of said state, he has constructed a turnpike road which runs through a body of public land; and praying a grant of the right of pre-emption to a tract of said land on which he has erected a turnpike gate;—By Mr. OWEN. Said petitions referred to the Committee on Private Land Claims.

On motion of Mr. OWEN, Ordered, That the petition of Jean Baptiste Beaudreau, presented on the 14th December, 1815, be referred to the same committee.

Jesse Bunc, Samuel Pickens, and Thomas White, on behalf of a company incorporated by the General Assembly of the state of Alabama, to open a water communication between the rivers Tennessee and Alabama; praying for the assistance of the General Government in effecting the object of their incorporation;—By Mr. OWEN. [Committee on Roads and Canals.]

On motion of Mr. LIVINGSTON, Ordered, That the petitions of Abner L. Duncan, presented on the 3d February, 1807, and 15th April, 1822, be referred to the Committee of Claims.

Mr. FOOT, from the joint Committee for Enrolled Bills, reported that the Committee had examined an enrolled bill, entitled "An act to extend the time limited for the settlement of Private Land Claims in the territory of Florida," and found the same to be truly enrolled; when the Speaker signed the said bill.

Ordered, That the Clerk do acquaint the Senate therewith.

Mr. M'LANE, of Del. from the Committee of Ways and Means, made an unfavourable report on the petition of Perley Keys and Jason Fairbanks. Laid on the table.

Mr. M'LANE, from the same Committee, to which was referred the bill from the Senate, entitled "An act to secure the accountability of Public Officers and others;" reported the same with an amendment.

Ordered, That the said bill be committed to a Committee of the whole House, to-morrow.

Mr. LITTLE, from the Committee on Pensions and Revolutionary Claims, made an unfavorable report on the petition of *Gilbert Weeks*; laid on the table.

Ordered, That the Committee on Pensions and Revolutionary Claims be discharged from the consideration of the petition of *Elkanah Darnforth*, and that it be referred to the Committee on Revolutionary Pensions.

Mr. FULLER, from the Committee on Naval Affairs, to which was recommitted the bill for the relief of *Mrs. Sarah Perry*, made a report thereon; laid on the table.

Mr. SLOAN, from the Committee of Elections, made the following report in part, which was laid on the table.

Mr. WILLIAMS, of North-Carolina, from the Committee of Claims, made an unfavorable report on the petition of *Robert W. Stoddard*; laid on the table.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, made an unfavorable report on the petition of *Henrietta Lynde*; laid on the table.

Ordered, That the Committee on Private Land Claims be discharged from the consideration of the petition of *Philemon Thomas*, and that it be referred to the Committee of Claims.

Mr. EDWARDS, of N. C. from the Committee on Revolutionary Pensions, made an unfavorable report on the petitions of *Henry W. Nowell, Amos Cogswell, and John Wirtz*; which report was laid on the table.

The SPEAKER laid before the House the following communications:

I. From the Secretary of War, transmitting a report of the second Auditor of the Treasury, relative to the accounts for disbursements in the Indian Department, prepared in compliance with the third section of the act of the 6th of May, 1822, which was referred to the Committee on Indian Affairs.

II. A report from the Secretary of War, on the petition of *John Stone*; laid on the table.

III. From the Secretary of the Treasury, transmitting copies of the reports rendered to the Treasury Department, by the incorporated banks in the District of Columbia, shewing the state of their affairs on the 31st December, 1823; laid on the table.

The House resumed the consideration of the resolution of Mr. OWEN, submitted on the 19th instant, in relation to the effect to be produced on the revenue, by the passage of the bill to amend the several acts imposing duties on imports.

Mr. STORRS moved that the said resolution be laid on the table; and the question thereon being taken, it was determined in the negative.

YEAS, 86.—Messrs. Allison, Bailey, Barber, of Conn. Bartlett, Beecher, Bradley, Brown, Buchanan, Cady, Campbell, of Ohio, Carter, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards, of Penn. Ellis, Farrelly, Findlay, Forward, Garrison, Gazly, Harris, Hemphill, Henry, Herkimer, Ingham, Jenkins, Jennings, Johnson, of Va. J. T. Johnson, of F. Johnson, Kreamer, Lathrop, Little, M'Arthur, M'Kean, M'Lane, of Del. M'Lean, of Ohio, Mallary, Markley, Martindale, Matlack, Metcalfe, Patterson, of Penn. Patterson, of Ohio, Plumer, of Penn. Prince, Richards, Rich, Rogers, Rose, Ross, Sharpe, Sloan, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Test, Thompson, of Ken. Tod, Tomlinson, Tracy, Trimble, Udree, Vance, of Ohio, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wood, Woods, and Wright.

NAYS, 94.—Messrs. Abbot, Adams, Alexander, of Va. Alexander, of Tenn. Allen, of Tenn. Baylies, P. P. Barbour, Bassett, Blair, Breck, Brent, Buck, Burleigh, Burton, Cambreleng, Campbell, of S. C. Cary, Cassidy, Clark, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards, of N. C. Floyd, Foot, Conn. Foote, N. Y. Forsyth, Frost, Garnett, Gathin, Gist, Govan, Gurley, Hall, Hamilton, Hayden, Hayward, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Houston, Isaacs, Kent, Kidder, Lee, Leftwich, Letcher, Lincoln, Litchfield, Livingston, Long, Longfellow, M'Coy, M'Duffie, M'Kee, M'Kim, Mitchell, of Penn. Moore, of Alab. Neale, Nelson, O'Brien, Owen, Plumer, N. H. Poinsett, Runkin, Reed, Reynolds, Saunders, Sandford, Sibley, A. Smith, W. Smith, Spence, Standefer, A. Stevenson, J. Stevenson, Tucker, of Va. Tucker, of S. C. Tyson, Vance, of N. C. Van Rensselaer, Warfield, Webster, Wickliffe, Williams, of Va. Williams, of N. C. and Wilson, of S. C.

Mr. SHARPE then moved to amend the said resolution, by striking out the words "the Committee of Ways and Means," and inserting "the Secretary of the Treasury;" and debate having arisen thereon, continued until the arrival of the hour for passing to the orders of the day, when engrossed bills of the following titles, to wit: "An act making appropriations for the military service of the United States, for the year 1824;" "An act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida," were respectively read the third time and passed.

Bills from the Senate of the following titles, viz: 1st, An act to regulate the surveying of public and private lands in the southern part of Alabama. 2d. An act for the relief James Johnson, were respectively read the first and second time, and referred the first to the Committee on the Public Lands, the second to the Committee of Claims.

The following messages in writing were received from the President of the United States by Mr. Everett, his Secretary, viz :

To the House of Representatives of the United States :

The House of Representatives on the 12th instant, having resolved, "That the President of the United States be requested to inform this House, whether the rules and regulations compiled by General Scott for the Government of the army, are now in force in the army, or any part thereof, and by what authority the same has been adopted and enforced," I herewith transmit a report from the Department of War, which contains the information required.

Washington, 23d Feb. 1824.

JAMES MONROE.

Ordered, That the said message and report do lie on the table.

To the House of Representatives of the United States :

Agreeably to a resolution of the House of Representatives of the 11th instant, requesting the President of the United States "to inform this House, if the line intended to constitute the western boundary of the Territory of Arkansas has been run, in conformity with the provisions of the 3d section of the act of Congress of the 3d March, 1823, entitled "An act making appropriations for the military service of the United States for the year 1823, and for other purposes," and if said line has not been run, that he inform the house what instructions have been given, or measures adopted, in relation to the execution of the provisions of the law, and what causes have prevented said line from being run," I herewith transmit a report from the Secretary of War, which contains the information required.

Washington, 23d Feb. 1824.

JAMES MONROE.

Ordered, That the said message and report do lie on the table.

To the House of Representatives of the United States :

The House of Representatives on the 26th ultimo, having "resolved, that the President of the United States be requested to cause to be laid before the House, an estimate of the expense which would be incurred by transporting two hundred of the troops now at the Council Bluffs, to the mouth of the Columbia or Oregon river," I herewith transmit a report of the Secretary of War, which contains the information required.

Washington, 23d Feb. 1824.

JAMES MONROE.

Ordered, That the said message and report be referred to the committee appointed on the 29th December last, to enquire into the propriety of taking possession of the Columbia or Oregon river.

To the Senate and House of Representatives of the United States :

I herewith transmit to Congress certain documents relating to a claim of Massachusetts, for services rendered by the militia of that state in the late war, and for which payment was made by the state. From the particular circumstances attending this claim, I have thought it proper to submit the subject to the consideration of Congress.

In forming a just estimate of this claim, it will be necessary to recur to the cause which prevented its admission, or the admission of any part thereof, at an earlier day. It will be recollected, that, when a call was made on the militia of that state for service, in the late war, under an arrangement which was alike applicable to the militia of all the states, and in conformity with the acts of Congress, the Executive of Massachusetts refused to comply with the call, on the principle that the power vested in Congress by the Constitution, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, was not a complete power for those purposes, but conditional, and dependant on the consent of the Executives of the several states; and, also, that, when called into service, such consent being given, they could not be commanded by a regular officer of the United States, or other officer than of the militia, except by the President, in person. That this decision of the Executive of Massachusetts was repugnant to the constitution of the United States, and of dangerous tendency, especially when it is considered that we were then engaged in a war with a powerful nation for the defence of our common rights, was the decided opinion of this Government; and when the period, at which that decision was formed, was considered, it being as early as the fifth of August, eighteen hundred and twelve, immediately after the war was declared, and that it was not relinquished during the war, it was inferred, by the Executive of the United States, that the decision of the Executive of that state was alike applicable to all the services that were rendered by the militia of the state during the war.

In the correspondence with the Governor of Massachusetts at that important epoch, and on that very interesting subject, it was announced to him, by the Secretary of War, that, if the militia of the state were called into service by the executive of the state, and not put under the command of the Major General of the United States, as the militia of the other states were, the expense attending their service would be chargeable to the state, and not to the United States. It was also stated to him at the same time, that any claim which the state might have for the reimbursement of such expenses, could not be allowed by the Executive of the United States, since it would involve principles on which that branch of the Government could not decide.

Under these circumstances, a decision on the claim of the state of Massachusetts has hitherto been suspended, and it need not be remarked, that the suspension has proceeded from a conviction that it would be improper to give any sanction by its admission, or by the admission of any part thereof, either to the

construction of the constitution contended for by the then Executive of that state, or to its conduct, at that period, towards the General Government and the Union.

In January, 1823, the Representatives in Congress from Massachusetts and Maine, suggested, by memorial, that the constitutional objection could not apply to a portion of the claim, and requested that the accounting officer of the Government might be instructed to audit and admit such part as might be free from that objection. In all cases where claims are presented for militia service, it is the duty and the practice of the accounting officer to submit them to the department for instruction as to the legality of the claim; that is, whether the service had been rendered by order of the competent authority, or otherwise, under circumstances to justify the claim against the United States, admitting that the evidence in support of it should be satisfactory. To this request there appeared to be no well-founded objection, under the reservation, as to the constitutional principle, and accordingly an order was given to the accounting officers of the Treasury to proceed in auditing the claim, with that reservation.

In conformity with this arrangement, the Executive of Massachusetts appointed two citizens of that state, commissioners to attend to the settlement of its claim, and who, in execution of the trust reposed in them, have presented to the accounting officer of the Treasury that portion, comprehending the services of the fifth division of the militia of the state, which has been audited and reported for consideration, subject to the objection above stated. I have examined this report, with the documents presented by the commissioners, and am of opinion that the services rendered by that division were spontaneous, patriotic, and proper, necessary for self-defence, to repel, in some instances, actual invasion, and in others, to meet, by adequate preparation, invasions that were menaced. The commissioners of the state having intimated that other portions of service stood on similar ground, the accounting officer has been instructed, in auditing the whole, to do it in such manner as to enable the Department to show distinctly under what circumstances each portion of service was rendered, whether voluntary, called out by invasion, or the menace of invasion, or by public authority; and in such case, whether the militia rendering such service was placed under the authority of the United States, or retained under that of the state.

It affords me great pleasure to state, that the present Executive of Massachusetts has disclaimed the principle which was maintained by the former Executive, and that in this disclaimer both branches of the Legislature have concurred. By this renunciation, the state is placed on the same ground, in this respect, with the other states, and this very distressing anomaly in our system is removed. It is well known that the great body of our fellow-citizens in Massachusetts are as firmly devoted to our Union, and to the free republican principles of our government, as our fellow-citizens of the other states. Of this important truth, their conduct in every stage of our revolutionary struggle, and in many other emergencies, bears ample testimony; and, I add, with profound interest and a thorough conviction, that, although the difficulty adverted to, in the late war, with their Executive, excited equal surprise and regret, it was not believed to extend to them. There never was a moment when the confidence of the government in the great body of our fellow-citizens of that state was impaired; nor is a doubt entertained that they were, at all times, willing and ready to support their rights, and repel an invasion by the enemy.

The commissioners of Massachusetts have urged, in compliance with their instructions, the payment of so much of their claim as applies to the services rendered by the fifth division, which have been audited, and I should have no hesitation in admitting it, if I did not think, under all the circumstances of the case that the claim, in all its parts, was cognizable by Congress alone. The period at which the constitutional difficulty was raised, by the Executive of the state, was in the highest degree important, as was the tendency of the principle for which it contended, and which was adhered to during the war. The public mind throughout the Union was much excited by that occurrence, and great solicitude was felt as to its consequences. The Executive of the United States was bound to maintain, and did maintain, a just construction of the constitution; in doing which it is gratifying to recollect that the most friendly feelings were cherished towards their brethren of that state. The Executive of the state was warned, in the correspondence which then took place, of the light in which its conduct was viewed, and of the effect it would have, so far as related to the right of the Executive of the United States, on any claim which might afterwards be presented by the state to compensation for such services. Under these circumstances, the power of the Executive of the United States to settle any portion of this claim, seems to be precluded. It seems proper, also, that this claim should be decided, on full investigation, before the public, that the principle on which it is decided, may be thoroughly understood by our fellow-citizens of every state, which can be done by Congress alone; who alone, also, possess the power to pass the laws which may be necessary to carry such decision into effect.

In submitting this subject to the calm and enlightened judgment of Congress, I do it with peculiar satisfaction, from a knowledge that you are now placed, by the course of events, in a situation which will enable you to adopt such measures, as will not only comport with the sound principles of our government, but, likewise, be conducive to other the highest interests of our Union. By the renunciation of the principle maintained by the then Executive of Massachusetts, as has been done by its present Executive and both branches of the Legislature, in the most formal manner, and in accord with the sentiments of the great body of the people, the constitution is restored, in a very important feature—that connected with the public defence: and in the most important branch, that of the militia, to its native strength. It is very gratifying to know, that this renunciation has been produced by the regular, orderly, and pacific operation of our republican system, whereby those who were in the right at the moment of difficulty, and who sustained the government with great firmness, have daily gained strength until this result was accomplished. The point on which you will have to decide, are, what is fairly due for the services which were actually rendered? By what means shall we contribute most to cement the Union, and give the greatest support to our most excellent constitution? In seeking each object

separately we are led to the same result. All that can be claimed by our fellow-citizens of Massachusetts is, that the constitutional objection be waived, and that they be placed on the same footing with their brethren in the other states—that, regarding the services rendered by the militia of other states, for which compensation has been made, giving to the rule the most liberal construction, like compensation be made for similar services rendered by the militia of that state.

I have been led to conclude, on great consideration, that the principles of justice, as well as a due regard for the great interests of our Union, require that this claim, in the extent proposed, should be acceded to. Essential service was rendered, in the late war, by the militia of Massachusetts, and with the most patriotic motives. It seems just, therefore, that they should be compensated for such services, in like manner with the militia of the other states. The constitutional difficulty did not originate with them, and has now been removed. It comports with our system to look to the service rendered, and to the intention with which it was rendered, and to award the compensation accordingly, especially as it may now be done without the sacrifice of principle. The motive, in this instance, is the stronger, because well satisfied I am, that, by so doing, we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified, and even those who now survive, who were then in error, cannot fail to see, with interest and satisfaction, this distressing occurrence thus happily terminated. I, therefore, consider it my duty to recommend it to Congress to make provision for the settlement of the claim of Massachusetts, for services rendered in the late war by the militia of the state, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other states.

JAMES MONROE.

Washington, February 23, 1824.

Ordered, That said message and documents lie on the table.

The House again resolved itself into a Committee of the whole on the state of the Union; and, after some time spent therein, the SPEAKER resumed the chair, and Mr. CONDUCT reported, that the Committee had, according to order, again had the state of the Union generally under consideration, and particularly a bill to amend the several acts imposing duties on imports, and had come to no resolution thereon. *Adjourned.*

Tuesday, February 24, 1824.—Sixtieth day.

Mr. McLANE, of Del. from the Committee of Ways and Means, who were instructed on the 21st January last, "to inquire into the expediency of appropriating five thousand dollars for the use of the Library of Congress," made a report thereon, accompanied by a bill authorizing an appropriation for the use of the Library of Congress; which bill was read the first and second time, and committed to the Committee of the whole House, to which is committed the bill making appropriations for the support of government, for the year 1824.

Mr. MATSON, from the Committee of Claims, made an unfavourable report on the petition of Gates Hoyt; laid on the table.

Ordered, That the Committee on the Judiciary, be discharged from the consideration of the petition of sundry aliens residing in the state of New-Jersey; the petition of sundry aliens in the state of Indiana; the petition of J. & A. Nattale; the petition of Pierre Berthelet and Oliver Berthelet, and the petition of a committee appointed by a meeting of the citizens of the City of New-York, on behalf of the aliens residing in said City, as also from the consideration of the enquiry which said committee was directed to make on the 10th of December last, whether any, and what alterations are necessary in the existing laws establishing rules of naturalization, and into the expediency of furnishing copies of those laws to the Courts authorized to naturalize aliens, and that the several petitions and resolution be referred to the Committee appointed on the 16th instant, on the memorial of sundry aliens residing in the city of New-Orleans.

Mr. HARVEY, from the Committee on Naval Affairs, made an unfavourable report on the petition of Joseph Cross; laid on the table.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act to regulate the surveying of public and private lands in the Southern parts of Alabama," reported the same without amendment.

Ordered, That the said bill be read a third time, to-morrow.

Mr. SAUNDERS, from the Committee on the Judiciary, to which was referred the amendments proposed by the Senate to the bill, entitled "An act to alter the times of holding the District Court at Mobile, in the District of Alabama," reported the agreement of the Committee to the said amendments.

The said amendments were read, amended by inserting therein the county of "Blount," after the county of "Morgan," in the first section thereof, and concurred in by the House.

Ordered, That the Committee on Revolutionary Pensions, be discharged from the further consideration of the petitions of Joseph Guthrie and Joseph Dixon, and that they be referred to the Committee on Pensions and Revolutionary Claims.

Mr. REYNOLDS, from the Committee on the petition of William Blount, of Tennessee, made an unfavourable report thereon; laid on the table.

Mr. BARTLETT, by leave of the House, presented a memorial of the merchants, ship owners and mechanics of Portsmouth, in the state of New-Hampshire, representing the many evils which in their opinion will flow from the passage of the bill now pending in this House, to amend the several acts imposing duties on imports, and praying that said bill may not be passed into a law.

Mr. DWINELL, by leave of the House, presented a memorial of sundry inhabitants of the county of Madison, in the state of New-York, praying that such a revision of the tariff of duties on imports may be made as will afford the necessary protection to the domestic manufactures of the country.

Ordered, That the said memorials be referred to the Committee of the whole House on the state of the Union; to which is committed the bill to amend the several acts imposing duties on imports.

The House resumed the consideration of the following resolution, submitted by Mr. OWEN on the 19th instant.

Resolved, That the Committee of Ways and Means be instructed to examine and report to this House, what will be the effect upon the revenue of the government of the United States, if the bill now before this House, entitled "A bill to amend the several acts imposing duties upon imports" should pass into a law: and if its operation would in their opinion diminish the revenue to an extent greater than the expenditures of government will admit of, what course it will be expedient to pursue to supply that deficiency.

The question recurred on the motion made by Mr. SHARPE yesterday, to strike out the words "Committee of Ways and Means," and insert "Secretary of the Treasury;" and being taken, it passed in the affirmative.

Mr. McLANE, of Del. then moved further to amend the said resolution, by inserting after the word "Resolved," the following, "that the clerk of this House deliver to the Secretary of the Treasury, a copy of the bill to amend the several acts imposing duties on imports," and this amendment was adopted, when,

Mr. RICH moved further to amend the said resolution, by striking out the words "of the government," and inserting the "commerce, the manufacturing and agricultural."

Mr. FLOYD, then moved that the said resolution be laid on the table. And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required, those who voted in the affirmative, are,

YEAS, 96.—Messrs. Abbot, Adams, Alexander, Va. Allen, Tenn. Allison, Archer, Bailey, Baylies, Barber, Conn. P. P. Barbour, Bradley, Brown, Buchanan, Burton, Cambreleng, Campbell, Ohio, Carter, Clark, Collins, Condict, Conner, Crafts, Craig, Durfee, Dwinell, Eaton, Eddy, Edwards, N. C. Ellis, Farrelly, Findlay, Floyd, Foote, N. Y. Forward, Garrison, Gazlay, Harris, Hemphill, Henry, Herkimer, Hogeboom, Jenkins, Johnson, Va. J. T. Johnson, F. Johnson, Kreamer, Little, Long, McArthur, McCoy, McKean, McLane, Del. McLean, Ohio, Markley, Martindale, Matlack, Metcalf, Morgan, Newton, Patterson, Penn. Patterson, Ohio, Plumer, Penn. Richards, Rich, Rives, Saunders, Sloan, Sterling, A. Stevenson, Stoddard, Store, Swan, Taylor, Ten Eyck, Thompson, Ken. Tod, Tomlinson, Tracy, Trimble, Tucker, Va. Udree, Vance, Ohio, Van Rensselaer, Van Wyck, Wayne, Whipple, Whitman, Whittlesey, White, Williams, N. C. James Wilson, Henry Wilson, Wilson, Ohio, Wood, Woods, Wright.

NAYS, 92.—Messrs. Alexander, Tenn. Allen, Mass. J. S. Barbour, Bartlett, Beecher, Blair, Breck, Buck, Buckner, Burleigh, Campbell, S. C. Cary, Cassidy, Cobb, Cocke, Cook, Crowninshield, Culpeper, Cushman, Day, Foot, Conn. Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayden, Hayward, Herrick, Hobart, Holcombe, Hooks, Houston, Ingham, Isaacs, Jennings, Kent, Kidder, Lathrop, Leftwich, Letcher, Lincoln, Litchfield, Livermore, Livingston, Locke, Longfellow, McDuffie, McKee, McKim, Mangum, Mallary, Marvin, Matson, Mitchell, Penn. Moore, Ken. Moore, Ala. Neale, O'Brien, Owen, Plumer, N. H. Poinsett, Rankin, Reed, Reynolds, Rose, Sanford, Scott, Sharpe, Sibley, Arthur Smith, Wm. Smith, Spence, Standefer, Strong, Test, Thompson, Geo. Tucker, S. C. Tyson, Vance, N. C. Vinton, Warfield, Wickliffe, Williams, N. Y. Williams, Va. Wilson, S. C.

The House resolved itself into a Committee of the whole, on the state of the Union; and after some time spent therein, the SPEAKER resumed the chair, and Mr. CONDUCT reported that the Committee had, according to order, again had the state of the Union generally under consideration, and particularly a bill to amend the several acts imposing duties on imports, and had come to no resolution thereon. *Adjourned.*

The name of Mr. Wright is erroneously inserted in the yeas, on the indefinite postponement of the bill "to procure the necessary plans, estimates, and surveys upon the subject of Roads and Canals," see fol. 232.